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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 JOHN FRANKLIN,)
17 Defendant.)
18

No. CR 05-00784 MHP

[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM THE SPEEDY TRIAL ACT
CALCULATION
(18 U.S.C. § 3161 (h)(8)(A))

19 The parties stipulate and agree, and the Court finds and holds, as follows:
20

21 1. The parties initially appeared on the instant matter November 21, 2005 for defendant's
22 initial appearance, and thereafter appeared on December 12, 2005 for defendant's arraignment on
23 the indictment before the Honorable Elizabeth D. Laporte.

24 2. On December 12, 2005, the matter was continued until December 19, 2005 for initial
25 appearance before the Honorable Marilyn Hall Patel. Assistant Public Defender Geoffrey A.
26 Hansen, who represents the defendant, requested an exclusion of time from December 12, 2005
27 to December 19, 2005, based on effective preparation and continuity of counsel. The parties
28 moved that this same time period be excluded from the calculation of time under the Speedy

1 Trial Act.

2 3. In light of the foregoing facts, the failure to grant the requested exclusion would
3 unreasonably deny counsel for the defense the reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),
5 (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.
6 These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §
7 3161(h)(8)(A).

8 4. For the reasons stated, the time period from December 12, 2005 through December 19,
9 2005 shall be excluded from the calculation of time under the Speedy Trial Act.

10 IT IS SO STIPULATED.

11
12
13 DATED: _____

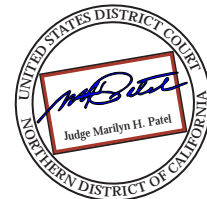
Respectfully Submitted,

14
15 _____/S/
16 NAHLA RAJAN
17 Special Assistant United States Attorney

18
19 DATED: _____

20 _____/S/
21 GEOFFREY A. HANSEN
22 Counsel for John Franklin

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.



24 DATED: _ Dec. 21, 2005 _____

25
26
27
28
HONORABLE MARILYN HALL PATEL
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161 (h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery

GEOFFREY A. HANSEN
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 20, 2005

_____/S/
Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office